1946. **K** **File No.** O. States Protection 46

Legal Dept

A. **BRANCH**

Subject:— Opinions under the Indian States (Protection against Disaffection) Act 1922

SP 2/E)

File No. O. States Protection | 46

Gen. 194 a.

370-A

Office of the R.L.A.

It appears that notes purporting to have been issed by the "Bank of Independent Jai Hind" for ten thousand good wishes with a protreit impression of His Highness the Maharaja of Mysore are printed in Bombay by certain persons in sympathy with the Indian National Army, and are being sold in the Mysore State at the rate of one anna per note.

2. The questions for R.L.A's consideration are:

(1) Whether the printing of such notes could be held to come within the mischief of sub-section (1) of section 3 of the Indian States (protection against Disaffection) Act, 1922.

(2) If so, whether action can be taken to forfeit such notes under section 99A of the Code of Criminal Procedure, 1898.

3. Sub-section (1) of section 3 of the Indian States (Protection against Disaffection) Act,1922 provides that whoever edits, prints or publishes, or is the author of, any book, newspaper or other document which brings or is intended to bring into hatred or contempt, or excites or is intended to exite disaffection towards any Prince or Chief of a State in India or the Government or Administration established in any such State shall be punishable with imprisonment which may extend to five years, or with fine, or with both.

4. The expression "disaffection" as defined in Explanation-1 to section 124A of the Indian Penal Code includes disloyalty and all feelings of enmity. "Disaffection" means a feeling contrary to affection, in other words, dislike or hatred. It means hatred, enmity, dislike, hostility, contempt and every form of ill-will to the overnment. It means political alienationn or discontent, a spirit of disloyalty to the Government or existing authority.

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5. It is true the Maharaja of Mysore may not, for political reasons, like his name to be associated with a movement with which he and his Government may not be in sympathy, but, that would not in my opinion bring the "Bank of Independent Jai Hind" notes bearing his portrait within the mischief of sub-section (1) of section 3 of the Indian States (Protection against Disaffection) Act, 1922 unless it could be established that the publication of the notes was intended to bring into hatred or contempt or excite disaffection towards him. No such intention can be spelt out from the more publication of the notes. In fact the notes bearing the Maharaja's portrait might quite conceivably be construed as indicating the deep affection, reverence and good will entertained towards the Maharja.

O.C. Sd/-
6/7/46

Remembrancer of Legal Affairs.

U.R. to Home Department (Spl) No. 162-P, dated the 8th July 1946.

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